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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12

13 UNITED STATES OF AMERICA,
14
15 Plaintiff,
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17 v.
18 JAMES MOORE,
19
20 Defendant.

Case No. 2:16-cr-00325-JCM-NJK
**STIPULATION TO CONTINUE
REVOCATION HEARING**
(Third Request)

21 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher
22 Mishler, counsel for James Moore, Christopher Chiou, Acting United States
23 Attorney, and Jim Fang, Assistant United States Attorney, counsel for the United
24 States of America, that the revocation hearing currently scheduled for December
25 15, 2021, at 10:00 a.m., be vacated and set to a date and time convenient to this
26 Court, but no sooner than sixty (60) days.

The Stipulation is entered into for the following reasons:

1. Counsel for the defendant has changed and new counsel needs additional time to obtain and review the case file from previous counsel.
2. Counsel requires additional time to discuss the case with defendant.
3. The defendant is detained and agrees to the continuance.

1 4. The parties agree to the continuance.

2 5. The additional time requested herein is not sought for purposes of
3 delay, but merely to allow counsel for defendant sufficient time within which to be
4 able to effectively and complete investigation of the discovery materials provided.

5 6. Additionally, denial of this request for continuance could result in a
6 miscarriage of justice.

7 This is the third stipulation to continue filed herein.

8 DATED this 10th day of December, 2021.

9
10 By /s/ Christopher Mishler
11 CHRISTOPHER MISHLER
12 Counsel for James Moore

CHRISTOPHER CHIOU
Acting United States Attorney

By /s/ Jim Fang
13 JIM FANG
14 Assistant United States Attorney
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1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 JAMES MOORE,

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9

Case No. 2:16-cr-00325-JCM-NJK

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing
12 therefore, the Court finds that:

13 1. Counsel for the defendant needs additional time to obtain and review
14 the case file and discovery.

15 2. The defendant is detained and agrees to the continuance.

16 3. The parties agree to the continuance.

17 4. The additional time requested herein is not sought for purposes of
18 delay, but merely to allow counsel for defendant sufficient time within which to be
19 able to effectively and complete investigation of the discovery materials provided.

20 5. Additionally, denial of this request for continuance could result in a
21 miscarriage of justice.
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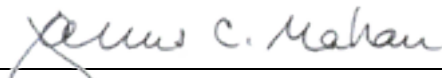
23 **CONCLUSIONS OF LAW**

24 The continuance sought herein is excludable under the Speedy Trial Act,
25 Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the
26 factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the revocation hearing currently scheduled for December 15, 2021, at the hour of 10:00 a.m., be vacated and continued to Friday, February 25, 2022 at the hour of 10:00 a.m.

DATED December 13, 2021.


UNITED STATES DISTRICT JUDGE